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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/881,536

06/14/2001

Jack D. Patterson

65856-0032  
(00-TRN-379)

8152

10291

7590

11/15/2002

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EXAMINER

LEE, JINHEE J

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/881,536

Applicant(s)

PATTERSON, JACK D.

Examiner

Jinhee J Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over conventional art as described in the Applicant's specification and Applicant's prior art figure 2.

Re claim 1, an electronically controlled vehicle drivetrain, comprising: an electronically controlled engine including an electronic engine controller and an electronically controlled automated mechanical transmission including an electronic transmission controller is disclosed as well known in the art and described in the Description of Related Art section in the specification. Also, Applicant's prior art figure 2 discloses a data link assembly for providing electronic communication between an engine controller and a transmission controller, said data link assembly comprising a trunk portion (portions including 62 for example) having first and second ends, an engine shunt portion (64 for example) connected to said trunk portion, a transmission shunt portion (64 for example) connected to said trunk portion, a first termination resistor (68) located at said first end of said trunk portion, and a second termination resistor (68) located at said second end of said trunk portion. Applicant's specification and Applicant's prior art figure 2 does not disclose that the data link assembly is pre-

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assembled. It would have been obvious to one having ordinary skill in the art at the time the invention was made to ~~use~~ pre-assemble the data link assembly, since it has <sup>PR 11/4/02</sup> been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Splicing is a method of connection and will not be addressed in the structural limitation of the electronically controlled vehicle drivetrain.

Re claim 2, the examiner takes official notice that it would have been obvious to use multiplex cable in the trunk portion of the vehicle drivetrain, because the trunk portion of the vehicle drivetrain in an automated vehicles' controller requires ability to send and/or receive multiple signals.

Re claim 3, Applicant's specification and Applicant's prior art figure 2 substantially discloses a system as set forth in claim 1 above. Applicant's specification and Applicant's prior art figure 2 does not disclose said first and second termination resistors housed in a barrel mold. It would have been an obvious matter of design choice to use said first and second termination resistors housed in a barrel mold, since applicant has not disclosed that having said first and second termination resistors housed in a barrel mold solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any conventional termination resistors as is disclosed in Applicant's prior art figure 2.

Re claim 6, note that Applicant's specification and Applicant's prior art figure 2 discloses that an assembly with shunt portion of anti-lock brake system connected to

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trunk portion is well known. Splicing is a method of connection and will not be addressed in the structural limitation of the electronically controlled vehicle drivetrain.

Re claim 7, Applicant's specification and Applicant's prior art figure 2 discloses a data link assembly for providing electronic communication between an engine controller and a transmission controller, comprising a trunk portion (portions including 62 for example) having first and second ends, an engine shunt portion (64 for example) connected to said trunk portion, a transmission shunt portion (64 for example) connected to said trunk portion, a first termination resistor (68) located at said first end of said trunk portion, and a second termination resistor (68) located at said second end of said trunk portion. Applicant's specification and Applicant's prior art figure 2 does not disclose that the data link assembly is pre-assembled. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pre-assemble the data link assembly, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Splicing is a method of connection and will not be addressed in the structural limitation of the data link assembly.

Re claim 8, the examiner takes official notice that it would have been obvious to use multiplex cable in the trunk portion of the data link assembly, because the trunk portion of a data link assembly for providing electronic communication between one of an engine controller and a transmission controller requires ability to send and/or receive multiple signals.

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Re claim 9, Applicant's specification and Applicant's prior art figure 2 substantially discloses a system as set forth in claim 7 above. Applicant's specification and Applicant's prior art figure 2 does not disclose said first and second termination resistors housed in a barrel mold. It would have been an obvious matter of design choice to use said first and second termination resistors housed in a barrel mold, since applicant has not disclosed that having said first and second termination resistors housed in a barrel mold solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any conventional termination resistors as is disclosed in Applicant's prior art figure 2.

Re claim 12, note that Applicant's specification and Applicant's prior art figure 2 discloses that an assembly with shunt portion of anti-lock brake system connected to trunk portion is well known. Splicing is a method of connection and will not be addressed in the structural limitation of the electronically controlled vehicle drivetrain.

3. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's specification and Applicant's prior art figure 2 in view of Stone et al. (6257923) and Will (4929477).

Re claim 4, Applicant's specification and Applicant's prior art figure 2 substantially discloses a system as set forth in claim 1 above. Applicant's specification and Applicant's prior art figure 2 does not disclose a double wall shrink tube for covering said engine shunt portion and said transmission shunt portion. However, Stone et al. teaches of using shrink tube (44) for covering wires in a vehicle. Also, Will teaches of shrink tubes with double walls (see abstract). It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to use the double wall shrink tube as taught by Stone et al. and Will on the assembly as disclosed in Applicant's specification and Applicant's prior art figure 2 in order to interconnect different parts.

Re claim 5, note that Will teaches of a double wall shrink tube which includes an adhesive material (K).

Re claim 10, Applicant's specification and Applicant's prior art figure 2 substantially discloses a system as set forth in claim 7 above. Applicant's specification and Applicant's prior art figure 2 does not disclose a double wall shrink tube for covering said engine shunt portion and said transmission shunt portion. However, Stone et al. teaches of using shrink tube (44) for covering wires in a vehicle. Also, Will teaches of shrink tubes with double walls (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the double wall shrink tube as taught by Stone et al. and Will on the assembly as disclosed in Applicant's specification and Applicant's prior art figure 2 in order to interconnect different parts.

Re claim 11, note that Will teaches of a double wall shrink tube which includes an adhesive material (K).

### ***Response to Arguments***

4. Applicant's arguments filed 10/22/02 have been fully considered but they are not persuasive.

In response to applicant's argument on pre-assembly, examiner disagrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the material with a dielectric strength of at least 100 V/mm, since it

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has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both the prior art figure 3 and the applicant's specification teaches of an electrical assembly.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 703-306-0154.

The examiner can normally be reached on M, T, Th and F at 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jji  
November 8, 2002

*Dean A. Reichard 11/9/02*

DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800